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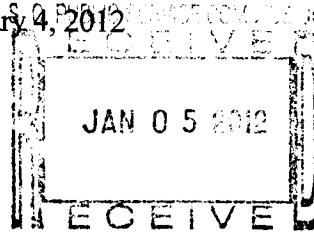
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2012-16-C  
motion

SCOTT ELLIOTT

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January 4, 2012



**VIA E-FILING**

Jocelyn Boyd, Esquire  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
101 Executive Center Drive  
Columbia, SC 29210

RE: Application of 1 800 Collect, Inc. for Authority to Operate  
As a Reseller of Interexchange Telecommunications Services  
within the State of South Carolina and to be Regulated in Accordance  
with Procedures Established for Alternative Regulation in Order  
Nos. 85-1734 and 96-55 in Docket No. 95-661-C  
Docket No.:

Dear Ms. Boyd:

Enclosed please find an Application of 1 800 Collect, Inc. for Authority to Operate As a Reseller of Interexchange Telecommunications Services within the State of South Carolina. Also enclosed is a Motion for Protective Treatment seeking confidential treatment of the financial statements found in Attachment 5 filed under seal. Copies of Attachment 5 containing the confidential financial statements are being filed with the Public Service Commission by mail under seal and served with the Application and Motion for Protective Treatment upon the Office of Regulatory Staff under seal. Also enclosed is a Certificate of Service on the Office of Regulatory Staff.

If you or your staff has questions, please feel free to contact me.

Sincerely,

Elliott & Elliott, P.A.

Scott Elliott

SE/jcl

RECEIVED

Enclosures

cc: Dukes Scott, Esquire w/enc.  
Lance Steinhart, Esquire

PSC SC  
MAIL / DMS

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**IN RE:** Application of 1 800 Collect, Inc.    )  
Authority to Operate as a Reseller of        )  
Interexchange Telecommunication Services )  
Within The State of South Carolina and to    )  
be Regulated in Accordance with Procedures)  
Established for Alternative Regulation       )  
In Order Nos. 95-1734 and 96-55 In         )  
Docket No. 95-661-C.                         )

Docket No.

**MOTION FOR PROTECTIVE TREATMENT  
AND**

**BASIS FOR FILING ATTACHMENT 5 AS  
TRADE SECRET**

**Introduction**

1 800 Collect, Inc. ("Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements as trade secrets. See *Attachment 5* to the Application of 1 800 Collect, Inc. for Authority to Operate as a Reseller of Interexchange Telecommunications Service within the State of South Carolina which is attached hereto and filed under seal. Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

1 800 Collect, Inc.  
1658 Gailes Boulevard, Suite B  
San Diego, CA 92154  
(619) 710-1650

2. Correspondence or communications regarding this Motion should be addressed to:

Scott Elliott, Esquire  
Elliott & Elliott, P.A.  
1508 Lady Street  
Columbia, SC, 29201  
Tel: 803-771-0555  
Fax: 803-771-8010  
Email: [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
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(770) 232-9208 (Fax)  
[lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com) (Email)

**I. Description of Confidential Information.**

3. The Application requires the Applicant to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

**II. Grounds for Claim of Confidentiality.**

4. The Applicant is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Attachment 5* to the Application are not readily available to persons external to Applicant.

5. Because the projected financial statements submitted by the Applicant in

support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, the Applicant seeks to protect such material from public disclosure. The Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("DCCs") in South Carolina, as well as in other states in which the Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. The Applicant clarifies herein that its request for protection applies only to the documents attached as *Attachment 5* to the Application. The Applicant is not seeking protection of any type for those reports the Applicant is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: i.e. the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

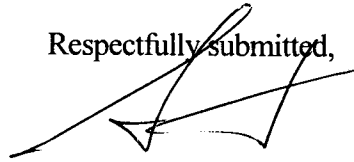
### **CONCLUSION**

6. The financial information included in support of the Applicant's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to the Applicant as a result of any disclosure is real and not speculative. For all these reasons, the projected financial statements attached as *Attachment 5* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, the Applicant respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the financial statements attached as *Attachment 5* to the Application of 1 800 Collect, Inc. for Application Authority to Operate as a Reseller of Interexchange Telecommunications Service within the State of South Carolina is filed *under seal* as Confidential in this proceeding.

Dated this 30 day of January, 2012.

Respectfully submitted,



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